THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 5058 of 2007

Date:26-06-2007

Between:

Tenali Chinni **.. PETITIONER**

AND

The Principal Secretary,Home Dept.,Hyderabad and three others

..

RESPONDENTS

ORDER:

The petitioner seeks to issue a writ of mandamus to declare the action of the respondents in not investigating the Crime No.25 of 2007, dated 07.03.2007 on the file of the 4th respondent, as illegal and arbitrary.

A counter has been filed by the 4th respondent stating that pursuant to the private complaint filed by the petitioner, the case was referred for enquiry and report. Accordingly, the said Crime No.25 of 2007 was registered under Sections 323, 506 IPC and Sec. 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on 07.03.2007 and thereafter the investigation has been taken up. The investigation made so far discloses that there is no evidence against the accused Srinu and Ramesh, the police constables to the effect that they have committed the offence. On the other hand, the investigation disclosed that the petitioner herein is involved in Crime Nos.186 of 2004, 91 of 2003 and 131 of 2004. Apart from that another case in Crime No.49 of 2006 is also pending against one Suresh Babu. During the course of investigation, the said constables visited the residence of the petitioner to know the whereabouts of the accused, but no such offence has been committed as alleged by the petitioner in the complaint. Pursuant to which, the investigation made so far also reveals that there was no beating of the petitioner and there was no evidence of external injuries and therefore, the investigation is completed and the final report is yet to be filed after obtaining permission from the Superintendent of Police, Guntur.

Having regard to the facts of the case, the writ petition is dismissed directing the first respondent-S.H.O.,P.S., I Town, Tenali to file the final report as expeditiously as possible simultaneously giving notice to the petitioner. If aggrieved by the said final report, the petitioner can file a protest petition before the concerned. No costs.

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V.ESWARAIAH, J.

Date:26.06.2007
ccm